

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, July 22, 2008**

Board Members Present: Terry McSweeney, Chair; Ed Weiner, Ph.D, Vice-Chair; Jim Dion; Cathy Read, Ph.D, RN; Wayne Saltsman, M.D., Ph.D

Staff Members Present: Sharon Walker Mastenbrook, Director of Public Health; Heidi Porter, Environment; Marlene Johnson, Health Agent; Andria Nemoda, Supervising Nurse

Mr. McSweeney called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

June 24, 2008

MOTION: To approve the minutes of the regular meeting of June 24, 2008 as submitted (Mr. Dion; second: Dr. Saltsman).

APPROVED: 3-0-2 (Dr. Weiner and Dr. Read abstaining).

CHAIRMAN'S REPORT

Mr. McSweeney reported that he was appointed to the Landlocked Parcel Study Committee (LLP) to represent the Board of Health, and he had attended the July 7 and July 21 meetings. Board of Health Environmental Engineer, Heidi Porter, was selected as Mr. McSweeney's alternate. The LLP website is now on line. Mr. McSweeney stated that he would keep the members up to date with relative information as it pertains to the Board of Health (BOH).

HEARING: TOBACCO SALES TO MINORS

▶ ***Burlington Shell, 198 Cambridge Street***

Present to testify at the hearing: Mo Talic, Supervisor, Burlington Shell; Jeanine Flaherty, Metro West Suburban Tobacco Control Program; D.J. Wilson, Tobacco Control Director, Mass. Municipal Association.

Ms. Mastenbrook reviewed the incident of cigarettes being sold to a minor on May 12, 2008 during a tobacco compliance check and the ensuing BOH hearing held on May 27, 2008, with Mr. Talic, Supervisor and the sales clerk present. The clerk had testified that during the sale, when asked if the cigarettes were for his mother, he had untruthfully responded, "Yes." Mr. Talic provided the BOH with the DVD recording of the events, and the BOH had agreed to continue the hearing for the purpose of viewing the video.

Ms. Flaherty distributed and explained the Compliance Check Youth Operator Training document stating that she trains the youth for compliance checks and that compliance checks are done three times a year using the same protocol at each establishment. The students they train are 17 and under.

Dr. Saltsman asked if it is acceptable for the minor to say that the tobacco they are purchasing is for someone else, and Ms. Flaherty replied that the student is trained to tell the truth.

D.J. Wilson, an expert on tobacco law with more than fourteen years of experience with the Mass. Municipal Association, next explained the history behind credible compliance checks and explained that although it is not the right thing to do, being untruthful is not considered to be entrapment. At the request of Dr. Weiner, Mr. Wilson explained how tickets are challenged and presented before a clerk magistrate.

The DVD was shown and the sound bite was very difficult to hear, and for this reason the BOH agreed that the DVD could not be used and that a fine would be issued.

MOTION: To fine Shell Service Station, 198 Cambridge St. \$50.00 for selling cigarettes to a minor during a compliance check at the recommendation of Director of Public Health, Sharon Mastenbrook. (Dr. Read; second: Dr. Weiner).

APPROVED: 5-0-0

VARIANCE REQUEST

▶ ***Exterior Grease Trap Variance – La Sandwich Rie, 164 Middlesex Turnpike***

Joan Langsar Riemer & Braunstein, Todd Freimont-Smith, Vice President, Nordblom and Didier Delvas, Chef/Owner of LaSandwich Rie were present to address the BOH.

Ms. Mastenbrook spoke on behalf of Marlene Johnson, Health Agent and stated that Mr. Delvas was seeking an exterior grease trap variance. David's World Famous was previously at this location. Included in the board's packet, she said, was a menu and information for the variance request.

Mr. Delvas stated that he will be serving breakfast and lunch five days a week and will provide catering services seven days a week. He applied for a variance because there is only one frialator, and there will be very little grease produced at the location. At this time, he said there is an interior grease trap.

Ms. Mastenbrook stated that it was the recommendation of the Health Agent to deny the variance because this food establishment will be preparing foods containing fats, oils and grease. If the BOH approves an exterior grease trap variance, the Health Agent recommended the granting of a temporary variance for one year with conditions as stipulated. After one year the proponent could come before the BOH to request a permanent variance.

Dr. Weiner added that if this is approved, the applicant must ensure that the interior grease trap is properly maintained on a regular basis, and he agreed.

MOTION: To approve the Variance Request for an exterior grease trap for one year with conditions as outlined in Variance Request report dated July 22, 2008 (Dr. Weiner; second: Dr. Read).

APPROVED: 5-0-0

DEFINITIVE SUBDIVISION

▶ ***Network Drive at Northwest Park***

Todd Freimont-Smith, Vice President, Nordblom was present to address the Board with respect to a definitive subdivision for Network Drive at Northwest Park. He stated that a business contract had been entered into with Palomar which will be locating at the Sun Microsystems campus. There are no expected changes from the preliminary subdivision to the definitive subdivision.

Ms. Porter commented that there is existing contamination at the site from the former RCA business, but the contamination does not exist beneath the area of the proposed site.

MOTION: To approve the Definitive Subdivision application for Network Drive at Northwest Park with the conditions as listed on the Proposed Comments memorandum dated July 15, 2008 (Mr. Dion; second: Dr. Read)

APPROVED: 5-0-0

DISCUSSION OF SHELTER OPTIONS FOR BURLINGTON

▶ ***Dottie Bernard, Consultant***

Ms. Mastenbrook introduced Ms. Dottie Bernard stating that Ms. Bernard is a consultant with a Masters degree in Public Health, works at Emerson Hospital and is involved with emergency preparedness. It is the hope of Burlington's Director of Public Health that in the event of an emergency, a plan will be in place for Burlington residents who must evacuate their homes and enter a mass shelter.

Ms. Bernard reviewed mass shelter options and the reasons they are created. She described shelter issues and how they must have direction and control for the safety of the inhabitants. She added that shelters should be closed as quickly as possible. She explained the importance of having a pre-incident shelter plan in place.

The Red Cross may manage a shelter in accordance with their procedures and principles, and operational costs would be covered by the Red Cross. Shelters may also be operated by others with support from the Red Cross, but the Red Cross could not assume management or liability.

Dr. Weiner asked if medical screening is usually performed. Ms. Bernard responded that a nurse should be present to look for obvious issues, but any type of medical treatment decided upon would be up to the Town of Burlington.

Mr. Dion asked if the shelter must accept a non-resident. Ms. Bernard said that the Red Cross does not turn anyone away, except pets. It is to the benefit of the Town to have an animal plan in place.

Ms. Bernard was thanked for the fine presentation.

STAFF REPORTS

‣ Environmental Engineer's Report

Ms. Porter reminded the public about reducing exposure to mosquito bites to prevent disease. She added that the BOH website explains what dates the East Middlesex Mosquito Control Project would be spraying using truck-mounted aerosol sprayers. Spraying, she said, takes place when the mosquito population is high.

Ms. Porter explained that she gave a presentation to the summer recreation staff about reducing mosquito and tick exposure and repellants.

MOTION: To accept the Environmental Engineer's report as submitted (Mr. Dion; second: Dr. Saltsman).

APPROVED: 5-0-0

‣ Health Agent's Report

Dr. Weiner asked if Guard Up, the summer program for the training of fencing, had opened. Ms. Mastenbrook responded that after being directed to register as a camp, Guard Up had done an outstanding job following all the BOH camp requirements.

MOTION: To accept the Health Agent's report as submitted (Mr. Dion; second: Dr. Read).

APPROVED: 5-0-0

‣ Board of Health Nursing Report

Public Service Announcements: Ms. Nemoda reported that a PSA had been placed in the newspaper regarding the prevention of heat exhaustion caused by excessive heat. Another was run with respect to The84.org.

Dr. Saltsman commented that Ms. Nemoda has been doing a fine job reaching out to the community and is a very positive person for the BOH department.

MOTION: To accept the Nurse's report as submitted (Dr. Weiner; second: Dr. Read).

APPROVED: 5-0-0

‣ Director of Public Health's Report

Summer Intern: Ms. Mastenbrook reported that the summer intern, Erin Migausky, is doing a great job and would be coming before the BOH in the fall to give a presentation on the work she is doing for the department.

Senate Bill: Ms. Mastenbrook reviewed the legislation before the House regarding Pandemic and Disaster Preparedness Legislation. There is a need to strengthen crucial areas of the bill with respect to participation of volunteers, administrative requirements, and modernizing statutes.

Sale of Tobacco to Minors: The current tobacco regulations for Burlington are out of date, Ms. Mastenbrook said, and she recommended that the BOH consider starting discussing new regulations in the fall. Dr. Weiner recommended a public hearing for input from the community and store owners.

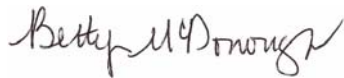
MOTION: To accept the Director of Public Health's report as submitted (Dr. Saltsman; second: Dr. Weiner).

APPROVED: 5-0-0

MOTION: To adjourn at 8:15 p.m. (Dr. Saltsman; second: Dr. Weiner).

APPROVED: 5-0-0

Respectfully Submitted,



Betty McDonough
Recording Secretary